

The claims pending in the application were rejected by the Examiner on the ground that Applicants' newly submitted Claims 35-47 were already added by the Amendment filed on December 5, 2000.

Pursuant to the telephonic request of Examiner Fay, provided below is a summary of the actions taken, and the corresponding dates, regarding the claims pending in the instant application. Applicants request a prompt response to the status of the pending claims of the above-mentioned application.

Summary

- May 30, 2000 – Office Action mailed. Claims 1-34 pending and rejected.
- November 30, 2000 – Response to Office Action mailed. Claims 1-34 amended. New Claims 35-47 submitted.
- March 6, 2001 – Office Action mailed. Claims 1-34 pending. Claims 1-34 rejected. Added claims 35-87[sic] are withdrawn from consideration as being directed to a nonelected invention.
- June 7, 2001 – telephone conference with Examiner Fay. Examiner Fay indicated that no response was required of Applicants. The Examiner indicated she inadvertently believed that originally presented claims 1-34 were canceled.
- November 8, 2001 – Office Action mailed. Claims 1-34 pending. Claims 1-34 rejected. Claims 35-47 not addressed in Office Action.
- May 8, 2002 – Response to Office Action mailed. Claims 1-34 amended. New Claims 35-47 added.
- September 10, 2002 – Office Action mailed.

Interview with Examiner

After receiving the instant Office Action dated September 10, 2002, Applicants' counsel instructed his assistant, Maria Valenzuela to contact Examiner Fay regarding how she desired Applicants' to respond to the Office Action.

On October 9, 2002, Ms. Valenzuela contacted Examiner Fay by telephone. Examiner Fay indicated that she would pull the file and review her Office Action and return the call.

On October 17, 2002, Ms. Valenzuela contacted Examiner Fay by telephone, as she had not received a return call from Examiner Fay. Ms. Valenzuela left a voice mail message inquiring into the Examiner's review of the matter.

On October 28, 2002, Ms. Valenzuela contacted Examiner Fay by telephone, as she had not received a return call from Examiner Fay. Ms. Valenzuela left a second voice mail message inquiring into the Examiner's review of the matter.

On November 10, 2002, Ms Valenzuela contacted Examiner Fay by telephone, as she had not received a return call from Examiner Fay. Examiner Fay requested that we submit to her a summary list of events that have occurred regarding the claims pending in this application in response to the Office Action mailed September 10, 2002. Examiner Fay indicated that she would review the summary and submit another Office Action addressing all of the claims pending in this application.

Accordingly, it is submitted that the methods for delivery of drugs at an ascending rate of release, especially of methylphenidate, in Claims 1-47 define a patentable invention. Reconsideration of the application is respectfully requested. Please direct any questions to the undersigned attorney at (650) 564-5171.

The Commissioner is hereby authorized to charge any additional fees associated with this paper or during the pendency of this application, or credit any overpayment, to Deposit Account No. 01-1173.

Respectfully submitted,

Date: December 9, 2002

By: _____


Robert R. Neller

Registration No. 46,950

Address: ALZA Corporation
1900 Charleston Road M-10
Mountain View, CA 94043
Tel: 650-564-5171
Fax: 650-564-2195